



IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A phosphor comprising a host material composed of a compound having a garnet crystal structure represented by the general formula (I):



wherein  $M^1$  is a divalent metal element,  $M^2$  is a trivalent metal element,  $M^3$  is a tetravalent metal element containing at least Si, a is the number of 2.7 to 3.3, b is the number of 1.8 to 2.2, c is the number of 2.7 to 3.3, and d is the number of 11.0 to 13.0; and

Ce as a luminescent center ion [[is]] and in addition to Ce at least one element selected from the group consisting of Cr, Mn, Fe, Co, Ni, Pr, Nd, Sm, Eu, Tb, Dy, Ho, Er, Tm, and Yb are incorporated in said host material.

Claim 2 (Original): A phosphor according to claim 1, wherein the tetravalent metal element  $M^3$  contains Si in an amount of not less than 50 mol%.

Claim 3 (Original): A phosphor according to claim 1, wherein the divalent metal element  $M^1$  in the formula (I) is at least one element selected from the group consisting of Mg, Ca, Zn, Sr, Cd and Ba.

Claim 4 (Original): A phosphor according to claim 1, wherein the divalent metal element  $M^1$  in the formula (I) is Mg, Ca or Zn.

Claim 5 (Original): A phosphor according to claim 1, wherein the trivalent metal element  $M^2$  in the formula (I) is at least one element selected from the group consisting of Al, Sc, Ga, Y, In, La, Gd and Lu.

Claim 6 (Original): A phosphor according to claim 1, wherein the trivalent metal element  $M^2$  in the formula (I) is Al, Sc, Y or Lu.

Claim 7 (Original): A phosphor according to claim 1, wherein the tetravalent metal element  $M^3$  other than Si in the formula (I) is at least one element selected from the group consisting of Ti, Ge, Zr, Sn and Hf.

Claim 8 (Original): A phosphor according to claim 1, wherein the tetravalent metal element  $M^3$  other than Si in the formula (I) is at least one element selected from the group consisting of Ti, Zr, Sn and Hf.

Claim 9 (Original): A phosphor according to claim 1, wherein the tetravalent metal element  $M^3$  other than Si in the formula (I) is Ge or Sn.

Claim 10 (Canceled).

Claim 11 (Previously Presented): A phosphor according to claim 1, wherein in addition to Ce as the luminescent center ion at least one element selected from the group consisting of Mn, Fe, Co, Ni, Cu, Pr, Sm, Eu, Tb, Dy, and Yb is contained as the luminescent center ion.

Claim 12 (Currently Amended): A phosphor according to claim 1, wherein the luminescent Ce center ion is trivalent Ce.

Claim 13 (Original): A phosphor according to claim 1, wherein in the formula (1), the divalent metal element  $M^1$  is Ca, the trivalent metal element  $M^2$  is Sc, and the tetravalent metal element  $M^3$  is Si.

Claim 14 (Original): A phosphor according to claim 1, wherein in the formula (1), the divalent metal element  $M^1$  is Ca and Mg, the trivalent metal element  $M^2$  is Sc and Y, or Sc and Lu, and the tetravalent metal element  $M^3$  is Si.

Claim 15 (Original): A phosphor according to claim 1, wherein the amount of the luminescent center ion is 0.0001 to 0.3 mol based on a formula weight of the host material compound.

Claim 16 (Previously Presented): A phosphor according to claim 1, wherein when a light emitted therefrom is represented by an XYZ color system and a sum of color coordinates x and y is not less than 0.6.

Claim 17 (Original): A phosphor according to claim 1, wherein a brightness keeping percentage of said phosphor is not less than 90%.

Claim 18 (Previously Presented): A light emitting device comprising the phosphor as claimed in claim 1 as a wavelength conversion material, and a semiconductor light emitting element capable of emitting a light in the range of from ultraviolet light to visible light.

Claim 19 (Previously Presented): A light emitting device according to claim 18, further comprising at least one additional phosphor.

Claim 20 (Original): A light emitting device according to claim 18, wherein a general color rendering index  $R_a$  of a light emitted from the light emitting device is not less than 80, and a special color rendering index  $R_s$  thereof is not less than 90.

Claim 21 (Previously Presented): A display using the light emitting device as claimed in claim 18 as a light source.

Claim 22 (Previously Presented): A lighting system using the light emitting device as claimed in claim 18 as a light source.